

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**ANGEL FERRER**

**a/k/a**

**GARY MICHAEL KING,**

**Plaintiff,**

**v.**

**9:13-CV-0031  
(NAM/ATB)**

**BRIAN FISCHER, et al.,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

ANGEL FERRER

Plaintiff, *pro se*

HON. ERIC T. SCHNEIDERMAN

Attorney General of the

State of New York

The Capitol

Albany, NY 12224

Attorney for Defendants

GREGORY J. RODRIGUEZ, ESQ.

Assistant Attorney General

**NORMAN A. MORDUE, SENIOR U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed on the 7<sup>th</sup> day of October 2014. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

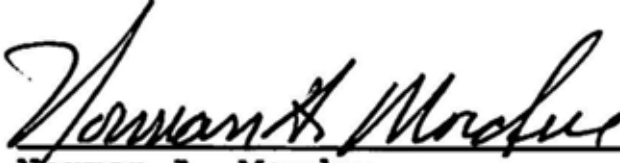
1. The Report-Recommendation is hereby adopted in its entirety.

2. The defendants' motion to dismiss (Dkt. No. 35) is granted, and the complaint is dismissed in its entirety.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case. Plaintiff shall be served by certified mail, return receipt requested.

**IT IS SO ORDERED.**

Dated: November 12, 2014  
Syracuse, New York

  
Norman A. Mordue  
Senior U.S. District Judge